

ABD/USAO#2017R00676

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND
2018 MAY -3 PM 3:09
CLERK'S OFFICE
AT BALTIMORE

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MARYLAND

AT BALTIMORE

UNITED STATES OF AMERICA

v.

KENNETH BRIAN FISCHER,
Defendant

* BY JK DEPUTY
CRIMINAL NO. RDB-18-0100

*
* (Production of Child Pornography,
* 18 U.S.C. § 2251(a); Attempted
* Production of Child Pornography,
* 18 U.S.C. §§ 2251(a) and (e);
* Transportation of Child Pornography,
* 18 U.S.C. § 2252(a)(1); Receipt of Child
* Pornography, 18 U.S.C. § 2252(a)(2);
* Attempted Enticement of a Minor,
* 18 U.S.C. § 2422(b); Aiding and
* Abetting, 18 U.S.C. § 2; Forfeiture)
*
*

SUPERSEDING INDICTMENT

COUNT ONE (Production of Child Pornography)

The Grand Jury for the District of Maryland charges that:

Introduction

At all times relevant to this Superseding Indictment,

1. Defendant **KENNETH BRIAN FISCHER**, age 40, was a resident of Carroll County, Maryland. **FISCHER** was a teacher employed by the Carroll County School System.
2. **FISCHER** used social media applications to include Kik and Grindr to meet and communicate with underage minor males for the purpose of enticing and directing the minors to produce depictions of sexually explicit conduct and send them to **FISCHER**.
3. Kik is a smartphone messenger application available for most iOS, Android, and Windows Phone operating systems. Kik Messenger allows users to send text, pictures, videos, sketches, and other files within the Kik application. Kik is free to download and uses an existing

Wi-Fi connection or data plan to send and receive messages.

4. Grindr is a geosocial networking application that runs on iOS and Android operating systems and is available for download.

5. In or about August 2017, law enforcement identified **FISCHER** after he communicated with a undercover agent posing as a minor male on Grindr. Law enforcement subsequently executed a search warrant at **FISCHER**'s home on Amherst Lane in Westminster Maryland and seized various electronic devices. An Apple iPhone revealed that **FISCHER** had been communicating with real minors beginning at least in or about November 2014 and continuing through his arrest in September 2017.

The Minor Victims

6. At all times relevant to this Indictment, John Doe 1, John Doe 2, John Doe 3, John Doe 4, and John Doe 5 were minor males ranging in age from 15 to 17 years old who lived in the state of Maryland and elsewhere.

The Charge

7. On or about November 15, 2014, in the District of Maryland, the defendant,
KENNETH BRIAN FISCHER, did knowingly employ, use, persuade, induce, entice, and coerce a minor to engage in any sexually explicit conduct as defined in Title 18, United States Code, Section 2256(2), for the purpose of producing any visual depiction of such conduct, which visual depiction had been produced using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, that is, two videos which depicts the genitals of a minor male, John Doe 1 and two still images of the genitals of a minor male, John Doe 1.

18 U.S.C. § 2251(a)

18 U.S.C. § 2

COUNT TWO
(Transportation of Child Pornography)

The Grand Jury for the District of Maryland further charges that:

1. The allegations of Paragraphs 1 through 6 of this Superseding Indictment are incorporated here.
2. On or about April 26, 2015, in the District of Maryland, the defendant,

KENNETH BRIAN FISCHER,

did knowingly transport and ship using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, by any means, including by computer and mails, any visual depiction, the production of which involved the use of a minor engaged in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), and such depiction being of such conduct, that is, the defendant knowingly transported one or more visual depictions of a minor engaged in sexually explicit conduct, to wit: the defendant sent an electronic mail message of a minor male, to wit John Doe 1, engaged in sexually explicit conduct to the email address “emti1205@hotmail.com.”

18 U.S.C. §§ 2252(a)(1) & 2256

COUNT THREE
(Attempted Production of Child Pornography)

The Grand Jury for the District of Maryland further charges that:

1. The allegations of Paragraphs 1 through 6 of this Superseding Indictment are incorporated here.
2. Beginning on or about May 30, 2017, and continuing thereafter until on or about June 18, 2017, in the District of Maryland, the defendant,

KENNETH BRIAN FISCHER,

did knowingly attempt to employ, use, persuade, induce, entice, and coerce a minor, to wit John Doe 2, to engage in any sexually explicit conduct as defined in Title 18, United States Code, Section 2256(2), for the purpose of producing any visual depiction of such conduct, which visual depiction had been produced using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means.

18 U.S.C. §§ 2251(a) and (e)
18 U.S.C. § 2

COUNT FOUR
(Production of Child Pornography)

The Grand Jury for the District of Maryland further charges that:

1. The allegations of Paragraphs 1 through 6 of this Superseding Indictment are incorporated here.

2. On or about June 29, 2017, in the District of Maryland and elsewhere, the defendant,

KENNETH BRIAN FISCHER,

did knowingly employ, use, persuade, induce, entice, and coerce a minor to engage in any sexually explicit conduct as defined in Title 18, United States Code, Section 2256(2), for the purpose of producing any visual depiction of such conduct, which visual depiction had been produced using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, that is, an image of the genitals of a minor male, John Doe 3.

18 U.S.C. § 2251(a)
18 U.S.C. § 2

COUNT FIVE
(Attempted Production of Child Pornography)

The Grand Jury for the District of Maryland further charges that:

1. The allegations of Paragraphs 1 through 6 of this Superseding Indictment are incorporated here.

2. Beginning on or about July 17, 2017, and continuing thereafter until on or about September 1, 2017, in the District of Maryland, the defendant,

KENNETH BRIAN FISCHER,

did knowingly attempt to employ, use, persuade, induce, entice, and coerce a minor, to wit John Doe 4, to engage in any sexually explicit conduct as defined in Title 18, United States Code, Section 2256(2), for the purpose of producing any visual depiction of such conduct, which visual depiction had been produced using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means.

18 U.S.C. §§ 2251(a) and (e)
18 U.S.C. § 2

COUNT SIX
(Receipt of Child Pornography)

The Grand Jury for the District of Maryland further charges that:

1. The allegations of Paragraphs 1 through 6 of this Superseding Indictment are incorporated here.
2. On or about August 8, 2017, in the District of Maryland, the defendant,

KENNETH BRIAN FISCHER,

did receive and distribute using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce, by any means, including by computer and mails, any visual depiction, the production of which involved the use of a minor engaged in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), and such depiction being of such conduct, that is, the defendant knowingly received one or more visual depictions of a minor engaged in sexually explicit conduct, to wit: the defendant received two photographs sent through the Internet of the genitals of a minor male, John Doe 3.

18 U.S.C. §§ 2252(a)(2) & 2256

COUNT SEVEN
(Production of Child Pornography)

The Grand Jury for the District of Maryland further charges that:

1. The allegations of Paragraphs 1 through 6 of this Superseding Indictment are incorporated here.

2. On or about August 29, 2017, in the District of Maryland, the defendant,

KENNETH BRIAN FISCHER,

did knowingly employ, use, persuade, induce, entice, and coerce a minor to engage in any sexually explicit conduct as defined in Title 18, United States Code, Section 2256(2), for the purpose of producing any visual depiction of such conduct, which visual depiction had been produced using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, that is, five images of the genitals of a minor male, John Doe 5.

18 U.S.C. § 2251(a)
18 U.S.C. § 2

COUNT EIGHT
(Attempted Enticement of a Minor)

The Grand Jury for the District of Maryland further charges that:

1. The allegations of Paragraphs 1 through 6 of this Superseding Indictment are incorporated here.

2. Beginning on or about August 31, 2017, and continuing thereafter until on or about September 5, 2017, in the District of Maryland and elsewhere, the defendant,

KENNETH BRIAN FISCHER,

did attempt, using the mail and any facility and means of interstate and foreign commerce, to wit: electronic mail and text messaging, to knowingly persuade, induce, entice and coerce any individual who has not attained the age of 18 years, to engage in any sexual activity for which any person can be charged with a criminal offense.

18 U.S.C. § 2422(b)

FORFEITURE

As a result of the offenses set forth in Counts One through Eight, the defendant,

KENNETH BRIAN FISCHER,

shall forfeit to the United States his interest in all property, real and personal,

1. that was used, and intended to be used, to commit and to facilitate the commission of the offenses in Counts One through Eight, including but not limited to:
 - a. an Apple iPhone 7, model A1778, serial number F17T2Y5FHG7K;
2. or that constitutes and is derived from any proceeds that such person obtained, directly and indirectly, as a result of the offenses in Counts One through Eight.

18 U.S.C. §§ 2428, 2253

Robert K. Hur / AMO

Robert K. Hur
United States Attorney

A TRUE BILL:

5/3/18

Date

SIGNATURE REDACTED

Foreperson